



RESULTS OF P.B. MEETING OF: March 25, 2009

PROJECT: Ray's transportation P.B. # 09-02

**NEGATIVE DEC:**

M)\_\_\_\_S)\_\_\_\_VOTE: A\_\_\_\_N\_\_\_\_

CARRIED: Y N

M) Sch S) Gal VOTE: A ✓ N    

CARRIED: Y N

**PUBLIC HEARING:**                      **WAIVED:**\_\_\_\_\_ **CLOSED:**\_\_\_\_\_ **FINAL:**\_\_\_\_\_

M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_ SCHEDULE P.H.: Y \_\_\_\_\_ N \_\_\_\_\_

SEND TO O.C. PLANNING: Y ✓ RETURN TO WORK SHOP: Y    N   

SEND TO DEPT. OF TRANS: Y\_\_\_ REFER TO Z.B.A.: M)\_\_\_ S)\_\_\_ VOTE: A\_\_\_ N\_\_\_

**APPROVAL:**

CONCEPTUAL: \_\_\_\_\_ PRELIMINARY: \_\_\_\_\_ COND. FINAL: \_\_\_\_\_ FINAL \_\_\_\_\_

M)      S)      VOTE: A      N      APPROVED:                     

NEED NEW PLANS: Y\_\_\_\_\_N\_\_\_\_\_

**CONDITIONS – NOTES:**

Need letter from DEC for approval - <sup>Mark to</sup> send letter

Address storm water issue

Combine lots? Jerry will talk to Mark

MEETING DATE:

# TOWN OF NEW WINDSOR

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4610  
Fax: (845) 563-4693

## OFFICE OF THE INFRASTRUCTURE COMMITTEE

### PROJECT REVIEW SHEET

TO: **PLANNING BOARD**

P.B. FILE: **09-02**      DATE RECEIVED:      TAX MAP #:

THE MAPS AND/OR PLANS FOR: **RAY'S TRANSPORTATION**

SITE PLAN      , SUBDIVISION      , LOT LINE CHANGE      ,  
SPECIAL PERMIT

HAVE BEEN REVIEWED BY THE UNDERSIGNED AND ARE:

☐ **NO RECOMMENDATIONS:**

Notes:

**X RETURN TO PLANNING BOARD WITH THE FOLLOWING RECOMMENDATIONS:**

Absolutely no municipal water or sewer is to be used at this site.

Railroad ties must be stored in a weather tight facility. Absolutely no outside storage.

Plan for containment of run-off must be submitted for review and approval.

Notes:

Signature: George A. Green      Date: 2/27/09  
Reviewed by: \_\_\_\_\_

RECEIVED MAY 1 2009

CC ME  
DC



Edward A. Diana  
County Executive

**ORANGE COUNTY DEPARTMENT OF PLANNING**

**DAVID CHURCH, AICP**  
COMMISSIONER

[www.orangecountygov.com/planning](http://www.orangecountygov.com/planning)  
[planning@orangecountygov.com](mailto:planning@orangecountygov.com)

124 MAIN STREET  
GOSHEN, NEW YORK 10924-2124  
TEL: (845) 615-3840  
FAX: (845) 291-2533

**County Reply – Mandatory Review of Local Planning Action  
as per NYS General Municipal Law §239-l, m, & n**

**Local Referring Board:** Town of New Windsor

**Applicant:** Ray's Transportation Inc.

**Project Name:** Rays Transportation Site Plan

**Proposed Action:** Site plan for storage, processing and distribution of new and used railroad ties

**Reason for County Review:** Within 500 feet of NYS Route 32

**Date of Full Statement:** April 9, 2009

**Referral ID #:** NWT12-09M

**Tax Map #:** S: 9 B: 1 L: 45.1&45.2

**Local File #:**

**Comments:**

The Department has received the above referenced Site Plan and has found no evidence that significant intermunicipal or countywide impacts would result from its approval. We would like to include the following as advisory comments:

1. The proposed site plan amendment appears to be consistent with the County Comprehensive Plan and local laws.
2. Having no further comments, from a County perspective, the department recommends that the Planning Board proceed with its review process

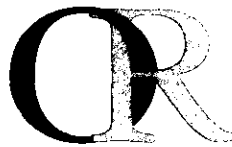
**County Recommendation:** Local Determination

**Date:** May 12, 2009

**Prepared by:** Todd Cohen

  
**David Church, AICP**  
Commissioner of Planning

As per NYS General Municipal Law 239-m & n, within 30 days of municipal final action on the above referred project, the referring board must file a report of the final action taken with the County Planning Department. For such filing, please use the final action report form attached to this review or available on-line at [www.orangecountygov.com/planning](http://www.orangecountygov.com/planning).



Ostrer Rosenwasser <sup>LLP</sup>  
ATTORNEYS AT LAW

201 WARD STREET • PO BOX 69 • MONTGOMERY, NEW YORK 12549

TEL: 845-457-4646 FAX: 845-457-9007

WWW.ORLDLAWLLP.COM

BENJAMIN OSTRER  
STEWART A. ROSENWASSER

DAVID M. HOOVLER  
JASON S. ROSENWASSER  
JASON P. SAUTTER  
ANASTASIA RIVERA

IF CHECKED REPLY TO:

☐ CHESTER OFFICE

111 MAIN STREET

PO BOX 509

CHESTER, NEW YORK 10918

TEL: 845-469-7577 FAX: 845-469-8690

FAX SERVICE NOT ACCEPTED

April 8, 2009

Ms. Peg Duke  
Regional Permit Administrator  
New York State Department of  
Environmental Conservation  
Region Three  
21 South Putt Corners Road  
New Paltz, New York 12561

Re: Rays' Transportation, Inc.  
Proposed Railroad Tie Facility

Dear Ms. Duke:

I am in receipt of a letter dated March 31, 2009 with regard to the above matter, which was forwarded to you by Dominic Cordisco, Esq., Planning Board Attorney for the Town of New Windsor Planning Board. I am compelled to respond to that letter as I feel it inaccurately describes my client's proposed business plan for the subject Town of New Windsor site.

First of all, I object to the characterization of my client's proposed use as a "railroad tie warehousing facility". The business of Ray's Transportation is to acquire railroad ties from various railroads, which are generated as a result of the maintenance and upkeep of the tracks and sidings. These ties are brought to the site in New Windsor, sorted, bundled and shipped offsite for sale outside the State of New York. Those ties that are found to be inappropriate for shipping to buyers outside the State of New York are sent to a co-generation plant for energy recovery. These co-generation plants are also located outside the State of New York.

It is the applicant's contention that ECL §27-2503(1) is inapplicable to the proposed business of Ray's Transportation. Specifically, the railroad ties are neither manufactured, sold or used in the State of New York. The proposed business plan was laid out at length and in detail before the Planning Board at our initial appearance. At that meeting, which Mr. Cordisco was not present at, there seemed to be little doubt that the recently enacted Environmental Conservation Law section had no applicability to Ray's Transportation's proposed business. As

no regulations have been promulgated, we are left with the plain meaning of the statute. As a result, we are not bound to fall under one of the exemptions of §27-2513, as the law does not apply to my client's activity in the first instance.

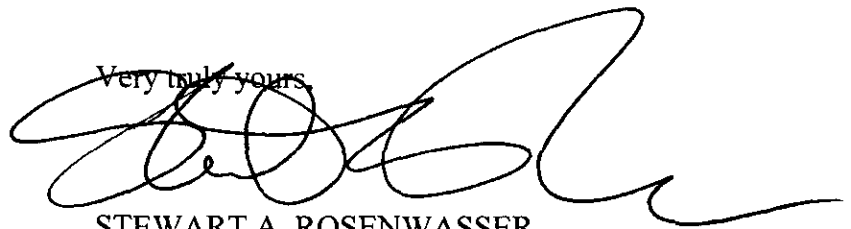
What was of some concern, however, was the potential for leaching of the creosote into existing aquifers, particularly in light of the fact that the Town of New Windsor has unused wells in close proximity. You will note from the site plan that care has been taken to set forth surface water flows, which clearly establish that the flows are away from the Town of New Windsor wells. Furthermore, the applicant has indicated a willingness to take any mitigative steps that may be necessary to address the leaching problem. The ties can be stored undercover and/or can be covered with tarps.

It should also be noted that the range of industrial/commercial activities proposed by Ray's Transportation, when conducted outdoors, triggers the need for coverage under the Multi-Sector General Permit for storm water discharges associated with industrial activity (GP-0-06-002). Under the terms of the General Permit a Storm Water Pollution Prevention Plan (SWPPP) must be prepared in conformance with the requirements of the NYSDEC's published guidance. This SWPPP incorporates the best management practices appropriate to address potential impact to storm water. The SWPPP must be approved by the Town prior to submission to the NYSDEC. Coverage under the General Permit is initiated by the filing of a Notice of Intent and Termination form following approval of the SWPPP.

My client is more than willing to meet with you or your representative to further discuss the proposed site and comply with any reasonable requests relating thereto. I would ask, however, that you remain mindful that my client's business constitutes interstate commerce, insofar as these subject ties are sold to ultimate buyers and users outside the State of New York. As such, I would like to avoid any constitutional issues that may arise from the State's attempt to limit or restrict such interstate commerce.

I am available to provide any further information or answer any questions that you may have regarding this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Stewart A. Rosenwasser', with a long horizontal flourish extending to the right.

STEWART A. ROSENWASSER

SAR/mvs

CC: Dominic Cordisco, Esq., Planning Board Attorney  
Genaro Argenio, Planning Board Chairman  
Mark J. Edsall, P.E., Planning Board Engineer  
Chris Viebrock, P.E., Applicant's Engineer, The Chazen  
Companies

*Attn: Mark Edsall*

**FIRE INSPECTOR'S  
INTER-OFFICE CORRESPONDENCE**

**TO:** Genaro Argenio, Planning Board Chairman

**FROM:** Thomas Lucchesi, Asst. Fire Inspector

**SUBJECT:** PB-09-02  
Ray's Transportation  
SBL: 9-1-45.1,45.2

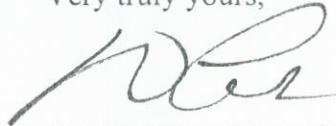
**DATE:** March 23, 2009

**Fire Prevention Reference Number: FPS-09-018**

**A review of the above referenced site plan has been conducted and is approved.**

The Planning Board has authorized its consultants to circulate a notice that the Planning Board intends to serve as SEQRA lead agency. The Planning Board requests the Department's comments regarding the legality of this proposed facility before it takes any further action on the application.

Very truly yours,



DOMINIC CORDISCO

DRC/rt/85673

Enclosure

cc: Genaro Argenio, Planning Board Chairman, Town of New Windsor  
Mark J. Edsall, P.E., Planning Board Engineer, Town of New Windsor  
Chris Viebrock, P.E., Applicant's Engineer, The Chazen Companies  
Stewart Rosenwasser, Esq., Applicant's Attorney, Ostrer Rosenwasser





# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4615  
Fax: (845) 563-4693

## OFFICE OF THE PLANNING BOARD

31 March 2009


SUBJECT: RAY'S TRANSPORTATION INC SITE PLAN  
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK  
(NWPB REF. NO. 09-02)


To all Involved Agencies:

The Town of New Windsor Planning Board has had placed before it an application for Site Plan approval of the Ray's Transportation project, located on Argenio Drive within the Town. The project involves, in general, the storage, processing, bundling and shipping of new and used railroad ties at the existing site. It is the opinion of the Town of New Windsor Planning Board that the action is an Unlisted Action under SEQRA. This letter is written as a request for Lead Agency Coordination as required under Part 617 of the Environmental Conservation Law.

A letter of response with regard to your interest in the position of Lead Agency, as defined by Part 617, Title 6 of the Environmental Conservation Law and the SEQRA review process, sent to the Planning Board at the above address, attention of Mark J. Edsall, P.E., Planning Board Engineer (contact person), would be most appreciated. Should no other involved agency desire the Lead Agency position; it is the desire of the Town of New Windsor Planning Board to assume such role. Should the Planning Board fail to receive a written response requesting Lead Agency within thirty (30) days, it will be understood that you do not have an interest in the Lead Agency position. Thank you for your attention to this matter. Should you have any questions regarding this notice, please feel free to contact the undersigned at the above number or (845) 563-4615.

Very truly yours,

*Mark J. Edsall, P.E., P.P.*  
Mark J. Edsall, P.E., P.P.  
Planning Board Engineer 

NYS Department of Environmental Conservation, New Paltz  
Orange County Department of Health  
George A. Green, Town of New Windsor Supervisor (w/o encl)  
Town of New Windsor Town Clerk (w/o encl)  
Orange County Department of Planning  
Myra Mason, Planning Board Secretary   
Planning Board Attorney (w/o encl)  
Applicant (w/o encl)



# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553  
Telephone: (845) 563-4615  
Fax: (845) 563-4689

## *PLANNING BOARD*

### TO WHOM IT MAY CONCERN:

In the best interest of the Applicant, it is necessary for the Town Departments and Planning Board Engineer to review and make their recommendations to the Planning Board prior to the applicant's appearance before the Planning Board. Prior to formal submittal of an application to the Planning Board, the applicant, or representative for the applicant, must appear at a Planning Board work session. Work sessions are held on Wednesday of the week before the scheduled Planning Board meetings. Appearance at the work sessions are by appointment only and can be scheduled by calling the Secretary to the Planning Board Monday through Friday (8:30 to 4:30) at (845) 563-4615.

Under the Zoning and Subdivision Regulations of the Town of New Windsor, the applicant must present plans to the Planning Board Office on or before the scheduled deadline date to be placed on an available planning board agenda.

**ALL COMPLETED APPLICATION FORMS (one original set & two copies) , REQUIRED SUBMITTAL FEES AND TEN (10) FOLDED SETS OF DRAWINGS, MUST BE SUBMITTED, TOGETHER AS A PACKAGE, TO THE SECRETARY FOR THE PLANNING BOARD PRIOR TO THE SUBMITTAL DEADLINE DATE TO BE PLACED ON THE NEXT AVAILABLE AGENDA.**  
Each set of drawings is to be folded separately to fit a standard legal size file folder.

Failure to submit your plans will mean the Planning Board will **NOT** review your application at the time of your appearance before the Board. Your plans will be accepted for review and you will then be rescheduled for another appearance before the Planning Board.

The Applicant should be aware that depending on the location, type and size of the project, additional reviews by State and County agencies may be required.

## ***PLANNING BOARD APPLICATION SUBMITTAL CHECKLIST***

The following items are to be returned to the Planning Board Secretary, **complete as a package**, to make application to appear before the Planning Board:

### **CHECK OFF**

#### **(ONE ORIGINAL & TWO COPIES OF ALL EXCEPT PLANS)**

- |   |     |
|---|-----|
| 1. Completed Page 1 and 2 of Application form. (Original Copy)  | X   |
| 2. Agricultural Data Statement (If you answer yes to #9 on application)   | N/A |
| 3. Applicant/Owner Proxy Statement (Original) <b><u>(MUST HAVE IF APPLICABLE)</u></b>                                     | X   |
| 4. a. Applicable completed Check List for subdivision/L.L. Chg. or Site Plan  | X   |
| b. <b>Approval box on all sheets of plan as described in #4 of Subdivision Check List and #2 of Site Plan Check List.</b> |     |
| 5. Short Form EAF (Unless instructed to prepare long form). (Original & two copies)                                       | X   |
| 6. Flood Hazard Area Development Application.   | N/A |
| 7. EIGHT Sets of plans -- folded to fit in legal size file folder with name block showing.                                | X   |
| 8. <b>SEPARATE CHECKS AS FOLLOWS:</b> (Choose appropriate category for your project)                                      |     |

#### **SITE PLANS:**

Two Separate Checks: (One check for application fee and separate check for escrow amount)

Special Permit Application and Review Fee.....	\$250.00	
Application fee.....	\$125.00	125
Escrow ( <b><u>Unless other amount specified at workshop</u></b> ) \$750.00	\$ 750	750
<b>(Additional escrow due for multi-family dwellings)</b>		

#### **SUBDIVISIONS:**

Two Separate Checks: (One check for application fee and separate check for escrow amount)

Application Fee...(minor subdivision only).....	\$ 75.00	N/A
Application Fee...(major subdivision only).....	\$150.00	N/A

#### **ESCROW:**

<b>Residential:</b>	\$200.00 each - for each of first 4 lots	
	\$100.00 for each additional lot -	Total: \$ _____
<b>Commercial:</b>	\$500.00 each - for each of first 4 lots	
	\$200.00 for each additional lot -	Total: \$ _____

#### **LOT LINE CHANGE:**

Two Separate Checks: (One check for application fee and separate check for escrow amount)

Application fee.....	\$75.00	
Escrow (Unless other amount specified at workshop). ...\$200.00.....	\$ _____	

***PLEASE NOTE: ADDITIONAL FEES DUE UPON COMPLETION OF PLANNING BOARD REVIEW.***

# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553  
Telephone: (845) 563-4615  
Fax: (845) 563-4689

## PLANNING BOARD APPLICATION

### TYPE OF APPLICATION (check appropriate item):

Subdivision\_\_\_\_ Lot Line Change\_\_\_\_ Site Plan X Special Permit\_\_\_\_

Tax Map Designation: Sec. 9 Block 1 Lots 45.1 & 45.2

**BUILDING DEPARTMENT TRACKING NUMBER:** PA 2008 - 118  
MUST FILL IN THIS NUMBER

1. Name of Project Ray's Transportation

45 Argenio Drive LLC

2. Owner of Record & 30 Argenio Dr LLC Phone 845-565-7210

Address: 360 Walsh Road, New Windsor, NY 12553  
(Street Name & Number) (Post Office) (State) (Zip)

3. Name of Applicant Same as Owner Phone \_\_\_\_\_

Address: \_\_\_\_\_  
(Street Name & Number) (Post Office) (State) (Zip)

4. Person Preparing Plan The Chazen Companies Phone 845-486-1571

Address: 21 Fox Street, Poughkeepsie, NY 12601  
(Street Name & Number) (Post Office) (State) (Zip)

Stewart Rosenwasser, Esq

5. Attorney Ostrer Rosenwasser, LLP Phone \_\_\_\_\_

Address 111 Main Street, PO Box 509, Chester, NY 10918  
(Street Name & Number) (Post Office) (State) (Zip)

1. Person to be notified to appear at Planning Board meeting: E-MAIL: cviebrock@chazencompanies.com

Chris Viebrock, P.E. 845-486-1571 845-454-4026  
(Name) (Phone) (fax)

2. Project Location: On the east side of Argenio Drive (30 & 42 Argenio Drive)  
(Direction) (Street)

8. Project Data: Acreage 8.93 Zone PI School Dist. Newburgh

**AGENT/OWNER PROXY STATEMENT**  
**(for professional representation)**

for submittal to the:  
**TOWN OF NEW WINDSOR PLANNING BOARD**

Ray Stackhouse Jr. maintains office at  
for 45 Argenio Drive LLC & 30 Argenio Dr LLC, deposes and says that he resides  
(OWNER)

at 360 Walsh Road, New Windsor in the County of Orange  
(OWNER'S ADDRESS)

and State of New York and that he is the owner of property tax map

(Sec. 9 Block 1 Lot 45.1)  
designation number (Sec. 9 Block 1 Lot 45.2) which is the premises described in  
the foregoing application and that he designates:

The Chazen Companies (Chris Viebrock, P.E.)  
(Agent Name & Address)

The Chazen Companies, 21 Fox Street, Poughkeepsie, NY 12601  
( Name & Address of Professional Representative of Owner and/or Agent)

as his agent to make the attached application.

**THIS DESIGNATION SHALL BE EFFECTIVE UNTIL WITHDRAWN BY THE OWNER OR  
UNTIL TWO (2) YEARS FROM THE DATE AGREED TO, WHICH EVER IS SOONER.**

SWORN BEFORE ME THIS:

23<sup>rd</sup> DAY OF October 2008

Sandra Schneider  
SANDRA SCHNEIDER  
NOTARY PUBLIC, State of New York  
Qualified in Orange County  
Registration No. 01SC6005809  
Commission Expires April 20, 2010  
NOTARY PUBLIC

\*\*

[Signature]  
Owner's Signature (MUST BE NOTARIZED)

[Signature]  
Agent's Signature (If Applicable)  
for The Chazen Companies

[Signature]  
Professional Representative's Signature  
for The Chazen Companies

\*\* PLEASE NOTE: ONLY OWNER'S SIGNATURE MUST BE NOTARIZED.

**THIS PROXY SHALL BE VOID TWO (2) YEARS AFTER AGREED TO BY THE OWNER**

9. Is this property within an Agricultural District containing a farm operation or within 500 feet of a farm operation located in an Agricultural District? Yes \_\_\_\_\_ No X

\*This information can be verified in the Assessor's Office.

\*If you answer yes to question 9, please complete the attached AAgricultural Data Statement.

10. Detailed description of Project: (Use, Size, Number of Lots, etc.) Proposed use of the site and its existing buildings for lumber & building material & equipment sales, service, & storage. Site consists of two tax parcels.

11. Has the Zoning Board of Appeals Granted any Variances for this property? yes \_\_\_\_\_ no X

12. Has a Special Permit previously been granted for this property? yes \_\_\_\_\_ no X

**IF THIS APPLICATION IS SIGNED BY ANYONE OTHER THAN THE PROPERTY OWNER, A SEPARATE NOTARIZED STATEMENT OR PROXY STATEMENT FROM THE OWNER MUST BE SUBMITTED, AT THE TIME OF APPLICATION, AUTHORIZING THIS APPLICATION.**

STATE OF NEW YORK)

SS.:

COUNTY OF ORANGE)

THE UNDERSIGNED APPLICANT, BEING DULY SWORN, DEPOSES AND STATES THAT THE INFORMATION, STATEMENTS AND REPRESENTATIONS CONTAINED IN THIS APPLICATION AND SUPPORTING DOCUMENTS AND DRAWINGS ARE TRUE AND ACCURATE TO THE BEST OF HIS/HER KNOWLEDGE AND/OR BELIEF. THE APPLICANT FURTHER ACKNOWLEDGES RESPONSIBILITY TO THE TOWN FOR ALL FEES AND COSTS ASSOCIATED WITH THE REVIEW OF THIS APPLICATION.

SWORN BEFORE ME THIS:

23<sup>rd</sup> DAY OF October 2008

[Signature]  
(OWNER'S SIGNATURE)

ce we  
(AGENT'S SIGNATURE)

[Signature]  
NOTARY PUBLIC

SANDRA SCHNEIDER  
NOTARY PUBLIC, State of New York  
Qualified in Orange County  
Registration No. 01SC6005809  
Commission Expires April 20, 2010

CHRIS VIEBROCK

Please Print Agent's Name as Signed


\*\*\*\*\*  
TOWN USE ONLY:

\_\_\_\_\_  
DATE APPLICATION RECEIVED

\_\_\_\_\_  
APPLICATION NUMBER

**TOWN OF NEW WINDSOR PLANNING BOARD  
SUBDIVISION/LOT LINE CHANGE CHECKLIST**

The following checklist items shall be incorporated on the Subdivision Plan prior to consideration for being placed on the Planning Board Agenda:

1. N/A Name and address of Applicant.
- \* 2. N/A Name and address of Owner.
3. N/A Subdivision name and location
4. N/A **Provide 4" wide X 2" high box (IN THE LOWEST RIGHT CORNER OF THE PLAN) for use by Planning Board in affixing Stamp of Approval. (ON ALL PAGES OF SUBDIVISION PLAN)**  
  
SAMPLE: 
5. N/A **Tax Map Data (Section, Block & Lot). (PLEASE PUT THE TAX MAP NUMBER IN THE CORNER OF THE APPROVAL BOX ALSO)**
6. N/A Location Map at a scale of 1" = 2,000 ft.
7. N/A Zoning table showing what is required in the particular zone and what applicant is proposing.
8. N/A Show zoning boundary if any portion of proposed subdivision is within or adjacent to a different zone.
9. N/A Date of plat preparation and/or date of any plat revisions.
10. N/A Scale the plat is drawn to and North arrow.
11. N/A Designation (in title) if submitted as sketch plan, preliminary plan or final plan.
12. N/A Surveyor's certificate.
13. N/A Surveyor's seal and signature.
14. N/A Name of adjoining owners.
15. N/A Wetlands and 100 foot buffer zone with an appropriate note regarding DEC requirements.
- \* 16. N/A Flood land boundaries.
17. N/A A note stating that the septic system for each lot is to be designed by a licensed professional before a building permit can be issued.

18. N/A Final metes and bounds.
19. N/A Name and width of adjacent streets; the road boundary is to be a minimum of 25 ft. from the physical center line of the street.
20. N/A Include existing or proposed easements.
21. N/A Right-of-way widths.
22. N/A Road profile and typical section (minimum traveled surface, excluding shoulders, is to be 16 ft. wide).
23. N/A Lot area (in square feet for each lot less than 2 acres).
24. N/A Number the lots including residual lot.
25. N/A Show any existing waterways.
- \*26. N/A A note stating a road (or any other type) maintenance agreement is to be filed in the Town Clerk's Office and County Clerk's Office.
27. N/A Applicable note pertaining to owner's review and concurrence with plat together with owner's signature.
28. N/A Show any existing or proposed improvements, i.e., drainage systems, water lines, sewer lines, etc. (including location, size and depths).
29. N/A Show all existing houses, accessory structures, existing wells and septic systems within 200 ft. of the parcel to be subdivided.
30. N/A Show all and proposed on-site A septic system and well locations; with percolation and deep test locations and information, including date of test and name of professional who performed test.
31. N/A Provide A septic system design notes as required by the Town of New Windsor.
32. N/A Show existing grade by contour (2 ft. interval preferred) and indicate source of contour data.
33. N/A Indicate percentage and direction of grade.
34. N/A Indicate any reference to previous, i.e., file map date, file map number and previous lot number.
35. N/A Indicate location of street or area lighting (if required).



REFERRING TO QUESTION 9 ON THE APPLICATION FORM, IS THIS PROPERTY WITHIN AN AGRICULTURAL DISTRICT CONTAINING A FARM OPERATION OR WITHIN 500 FEET OF A FARM OPERATION LOCATED IN AN AGRICULTURAL DISTRICT, PLEASE NOTE THE FOLLOWING:

36. N/A Referral to Orange County Planning Dept. is required for all applicants filing AD Statement.
37. N/A A disclosure Statement, in the form set below, must be inscribed on all subdivision maps prior to the affixing of a stamp of approval, whether or not the Planning Board specifically requires such a statement as a condition of approval.

Prior to the sale, lease, purchase, or exchange of property on this site which is wholly or partially within or immediately adjacent to or within 500 feet of a farm operation, the purchaser or leasor shall be notified of such farm operation with a copy of the following notification.

It is the policy of this State and this community to conserve, protect and encourage the development and improvement of agricultural land for the production of food, and other products, and also for its natural and ecological value. This notice is to inform prospective residents that the property they are about to acquire lies partially or wholly within an agricultural district or within 500 feet of such a district and that farming activities occur within the district. Such farming activities may include, but not be limited to, activities that cause noise, dust and odors.

This list is provided as a guide only and is for the convenience of the Applicant. The Town of New Windsor Planning Board may require additional notes or revisions prior to granting approval.

**PREPARER'S ACKNOWLEDGMENT:**

THE PLAT FOR THE PROPOSED SUBDIVISION HAS BEEN PREPARED IN ACCORDANCE WITH THIS CHECKLIST AND THE TOWN OF NEW WINDSOR ORDINANCES, TO THE BEST OF MY KNOWLEDGE.

BY: N/A  
Licensed Professional Date

⌘ ⌘ ⌘ ⌘ ⌘ ⌘ PLEASE NOTE: ⌘ ⌘ ⌘ ⌘ ⌘ ⌘

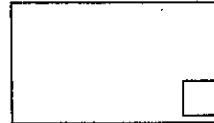
**THE APPLICANT OR THEIR REPRESENTATIVE IS RESPONSIBLE TO KEEP TRACK OF ALL EXPIRATION DATES FOR ANY AND ALL APPROVALS GRANTED TO A PROJECT. EXTENSIONS MUST BE APPLIED FOR PRIOR TO EXPIRATION DATE.**

**TOWN OF NEW WINDSOR PLANNING BOARD**  
**SITE PLAN CHECKLIST**

**ITEM**

1.     X     Site Plan Title
2.     X     Provide 4" wide X 2" high box (**IN THE LOWEST RIGHT CORNER OF THE PLAN**) for use by Planning Board in affixing Stamp of Approval. (ON ALL PAGES OF SITE PLAN).

**SAMPLE:**



3.     X     Applicant's Name(s)
4.     X     **Tax Map Data (Section, Block & Lot). (PLEASE PUT THE TAX MAP NUMBER IN THE CORNER OF THE APPROVAL BOX ALSO**
5.     X     Applicant's Address
6.     X     Site Plan Preparer's Name
7.     X     Site Plan Preparer's Address
8.     X     Drawing Date
9.     X     Revision Dates
10.     X     Area Map Inset and Site Designation
11.     X     Properties within 500' of site
12.     X     Property Owners (Item #10)
13.     X     Plot Plan
14.     X     Scale (1" = 50' or lesser)
15.     X     Metes and Bounds
16.     X     Zoning Designation
17.     X     North Arrow
18.     X     Abutting Property Owners
19.     X     Existing Building Locations
20.     X     Existing Paved Areas
21.     X     Existing Vegetation
22.     X     Existing Access & Egress

- |     |                    |                                     |
|-----|--------------------|-------------------------------------|
| 23. | <u>    N/A    </u> | Landscaping                         |
| 24. | <u>    TBD    </u> | Exterior Lighting                   |
| 25. | <u>    TBD    </u> | Screening                           |
| 26. | <u>    X    </u>   | Access & Egress                     |
| 27. | <u>    x    </u>   | Parking Areas                       |
| 28. | <u>    X    </u>   | Loading Areas                       |
| 29. | <u>    N/A    </u> | Paving Details (Items 25 - 27)      |
| 30. | <u>    N/A    </u> | Curbing Locations                   |
| 31. | <u>    N/A    </u> | Curbing through section             |
| 32. | <u>    N/A    </u> | Catch Basin Locations               |
| 33. | <u>    N/A    </u> | Catch Basin Through Section         |
| 34. | <u>    N/A    </u> | Storm Drainage                      |
| 35. | <u>    N/A    </u> | Refuse Storage                      |
| 36. | <u>    X    </u>   | Other Outdoor Storage               |
| 37. | <u>    X    </u>   | Water Supply                        |
| 38. | <u>    X    </u>   | Sanitary Disposal System            |
| 39. | <u>    X    </u>   | Fire Hydrants                       |
| 40. | <u>    X    </u>   | Building Locations                  |
| 41. | <u>    X    </u>   | Building Setbacks                   |
| 42. | <u>          </u>  | Front Building Elevations           |
| 43. | <u>    X    </u>   | Divisions of Occupancy              |
| 44. | <u>    TBD    </u> | Sign Details                        |
| 45. | <u>    X    </u>   | Bulk Table Inset                    |
| 46. | <u>    X    </u>   | Property Area (Nearest 100 sq. ft.) |
| 47. | <u>    X    </u>   | Building Coverage (sq. ft.)         |
| 48. | <u>    X    </u>   | Building Coverage (% of total area) |
| 49. | <u>    N/A    </u> | Pavement Coverage (sq. ft.)         |
| 50. | <u>    N/A    </u> | Pavement Coverage (% of total area) |
| 51. | <u>    N/A    </u> | Open Space (sq. ft.)                |
| 52. | <u>    N/A    </u> | Open Space (% of total area)        |
| 53. | <u>    X    </u>   | No. of parking spaces proposed      |
| 54. | <u>    X    </u>   | No. of parking spaces required      |

PAGE 2 OF 3

**REFERRING TO QUESTION 9 ON THE APPLICATION FORM, AIS THIS PROPERTY  
WITHIN AN AGRICULTURAL DISTRICT CONTAINING A FARM OPERATION OR WITHIN**

500 FEET OF A FARM OPERATION LOCATED IN AN AGRICULTURAL DISTRICT,  
PLEASE NOTE THE FOLLOWING:

55. N/A Referral to Orange County Planning Dept. is required for all applicants filing AD Statement.
56. N/A A disclosure Statement, in the form set below, must be inscribed on all site plan maps prior to the affixing of a stamp of approval, whether or not the Planning Board specifically requires such a statement as a condition of approval.

APrior to the sale, lease, purchase, or exchange of property on this site which is wholly or partially within or immediately adjacent to or within 500 feet of a farm operation, the purchaser or leasee shall be notified of such farm operation with a copy of the following notification.

It is the policy of this State and this community to conserve, protect and encourage the development and improvement of agricultural land for the production of food, and other products, and also for its natural and ecological value. This notice is to inform prospective residents that the property they are about to acquire lies partially or wholly within an agricultural district or within 500 feet of such a district and that farming activities occur within the district. Such farming activities may include, but not be limited to, activities that cause noise, dust and odors.

This list is provided as a guide only and is for the convenience of the Applicant. The Town of New Windsor Planning Board may require additional notes or revisions prior to granting approval.

***PREPARER'S ACKNOWLEDGMENT:***

THE PLAT FOR THE PROPOSED SITE PLAN HAS BEEN PREPARED IN ACCORDANCE WITH THIS CHECKLIST AND THE TOWN OF NEW WINDSOR ORDINANCES, TO THE BEST OF MY KNOWLEDGE.

BY: Ce Ve 10/23/08  
Licensed Professional Date  
for The Chazen Companies

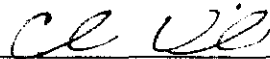
⌘ ⌘ ⌘ ⌘ ⌘ ⌘ PLEASE NOTE: ⌘ ⌘ ⌘ ⌘ ⌘ ⌘

**THE APPLICANT OR THEIR REPRESENTATIVE IS RESPONSIBLE TO KEEP TRACK OF ALL EXPIRATION DATES FOR ANY AND ALL APPROVALS GRANTED TO A PROJECT. EXTENSIONS MUST BE APPLIED FOR PRIOR TO EXPIRATION DATE.**

ATTACHMENTS

A. Certificate Flood Hazard Area Development.

I Chris Viebrock of The Chazen Companies hereby certify that the property or properties mentioned in this application is/are not located in a flood zone.



Signature

Chris Viebrock, P.E.

**PLEASE NOTE:**

- \* IF PROPERTY IS NOT LOCATED IN A FLOOD ZONE, PLEASE SIGN ABOVE VERIFYING THAT. RETURN THIS FORM WITH PLANNING BOARD APPLICATION**
- \*\* IF PROPERTY IS LOCATED IN A FLOOD ZONE, PLEASE OBTAIN COMPLETE APPLICATION FROM P.B. SECRETARY.**

PROJECT I.D. NUMBER:

617.20  
Appendix C

State Environmental Quality Review

**SHORT ENVIRONMENTAL ASSESSMENT FORM**  
For UNLISTED ACTIONS Only

**PART I - PROJECT INFORMATION** (To be completed by Applicant or Project Sponsor)

1. APPLICANT/SPONSOR 45 Argenio Drive LLC & 30 Argenio Dr LLC	2. PROJECT NAME Ray's Transportation
3. PROJECT LOCATION: Municipality <u>Town of New Windsor</u> County <u>Orange</u>	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) <u>30 &amp; 42 Argenio Drive</u>	
5. IS PROPOSED ACTION: <input type="checkbox"/> New <input type="checkbox"/> Expansion <input checked="" type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: Wholesale lumber and building material yard where new and used railroad ties with associative metal fasteners and/or rails are delivered to the site, sorted, bundled and shipped off site as sold.	
7. AMOUNT OF LAND AFFECTED: Initially: <u>8.93±</u> acres Ultimately: <u>8.93±</u> acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If No, describe briefly.	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input type="checkbox"/> Residential <input checked="" type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open space <input type="checkbox"/> Other: _____ Describe: <u>Industrial, warehouse, commercial, residential</u>	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE, OR LOCAL)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, list agency name and permit/approval.	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, list agency name and permit/approval. <u>Site Plan Approval from the Town of New Windsor Planning Board</u>	
12. AS A RESULT OF THE PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor name: <u>45 Argenio Drive LLC &amp; 30 Argenio Dr LLC</u> Date: <u>10/20/08</u> Signature: <u>[Signature]</u>	

If the action is in the Coastal Area, and you are a State agency, complete the Coastal Assessment Form before proceeding with this assessment.

OVER

**PART II – ENVIRONMENTAL ASSESSMENT (To be completed by Lead Agency)**

<b>A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4? If yes, coordinate the review process and use the FULL EAF.</b> <input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superceded by another involved agency.</b> <input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)</b> <b>C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:</b>   <b>C2. Aesthetic, agricultural, archaeological, historic or other natural or cultural resources; or community or neighborhood character? Explain briefly:</b>   <b>C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:</b>   <b>C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:</b>   <b>C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:</b>   <b>C6. Long term, short term, cumulative, or other effects not identified in C1 – C5? Explain briefly:</b>   <b>C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:</b>   <b>D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CEA?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No    If Yes, explain briefly:	

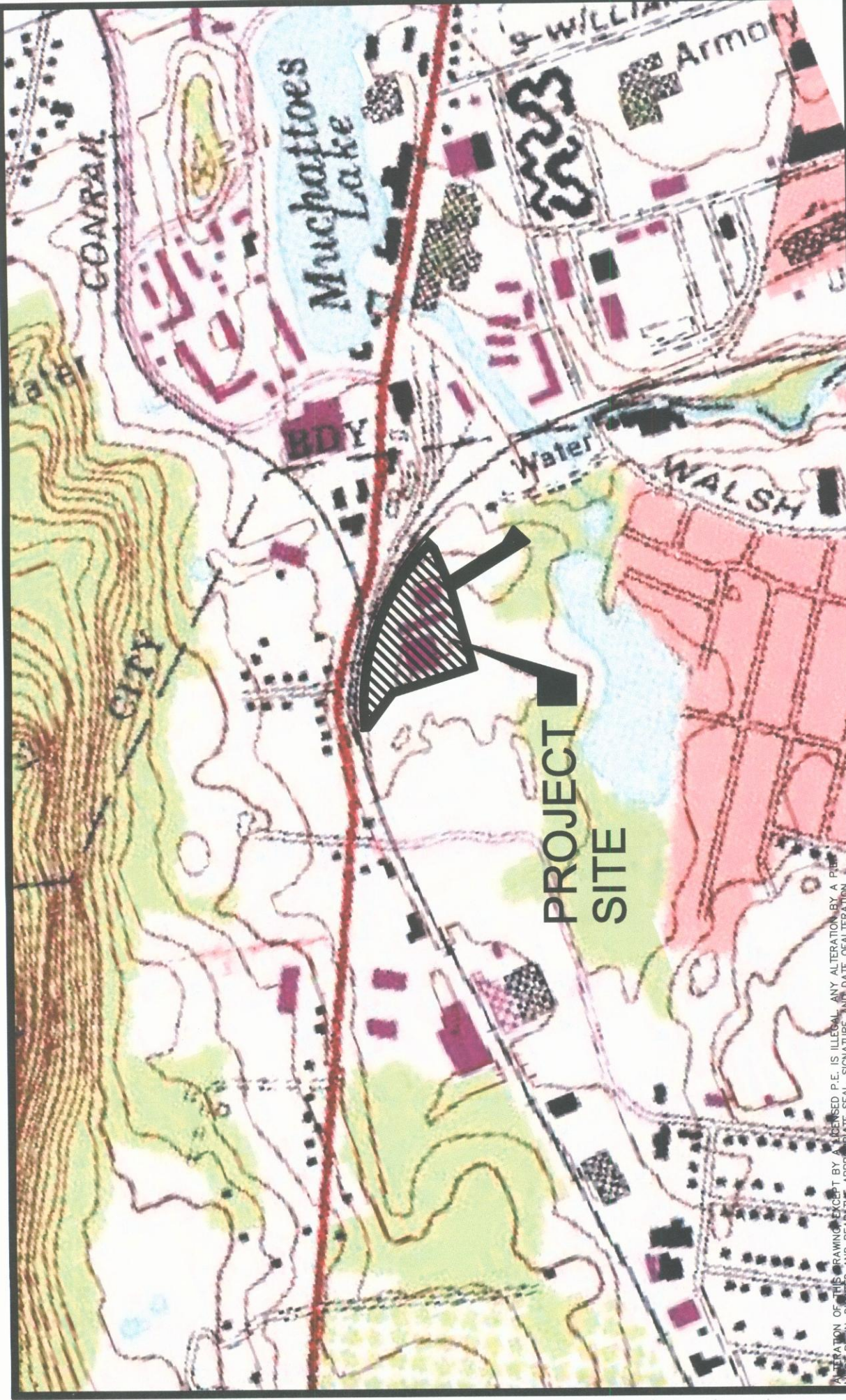
**PART III – DETERMINATION OF SIGNIFICANCE (To be completed by Agency)**

**INSTRUCTIONS:** For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question D of Part II was checked yes, the determination and significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

- ☐ Check this box if you have identified one or more potentially large or significant adverse impacts which MAY occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.
- ☐ Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action WILL NOT result in any significant adverse environmental impacts AND provide on attachments as necessary, the reasons supporting this determination:

_____ Name of Lead Agency	
_____ Print or Type Name of Responsible Officer in Lead Agency	_____ Title of Responsible Officer
_____ Signature of Responsible Officer in Lead Agency	_____ Signature of Preparer (if different from responsible officer)
_____ Date	





REPRODUCTION OF THIS DRAWING EXCEPT BY A LICENSED P.E. IS ILLEGAL. ANY ALTERATION BY A P.E. MUST BE IN-DICATED AND BEAR THE APPROPRIATE SEAL, SIGNATURE AND DATE OF ALTERATION.

# CHAZEN ENGINEERING, LAND SURVEYING

## LANDSCAPE ARCHITECTURE CO., P.C.

### Office Locations:

**Dutchess County Office:**  
21 Fox Street  
Poughkeepsie, New York 12601  
Phone: (845) 454-3980

**Capital District Office:**  
547 River Street  
Troy, New York 12180  
Phone: (518) 273-0055

**North Country Office:**  
100 Glen Street  
Glens Falls, New York 12801  
Phone: (518) 812-0513

**Connecticut Office:**  
914 Hartford Turnpike  
Waterbury, CT 06205  
Phone: (860) 440-2690

# RAY'S TRANSPORTATION

## TOPOGRAPHIC MAP

TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK

drawn	checked
CMG	CV
date	scale
3/26/09	1"=800'
project no.	80811.01
sheet no.	





Engineers / Surveyors  
Planners  
Environmental Scientists  
Landscape Architects

*Chazen Engineering, Land Surveying & Landscape Architecture Co., P.C.*

*Chazen Environmental Services, Inc.*

*21 Fox Street, Poughkeepsie, New York 12601*

*Phone: (845) 454-3980 Fax: (845) 454-4026*

*[www.chazencompanies.com](http://www.chazencompanies.com)*

*Capital District Office: (518) 273-0055*

*Orange County Office: (845) 567-1133*

*North Country Office: (518) 812-0513*

February 4, 2009

Genero Argenio, Chairman  
Town of New Windsor Planning Board  
555 Union Avenue  
New Windsor, NY 12553

Re: *Ray's Transportation – 30 & 42 Argenio Drive*  
*Town of New Windsor, Orange County, New York*  
*(Property Owners: 45 Argenio Drive LLC & 30 Argenio Dr LLC)*  
*TCC Project #80811.01*

Dear Chairman Argenio:

The Applicants, 45 Argenio Drive LLC & 30 Argenio Dr LLC, currently own two adjoining tax parcels located at 30 and 42 Argenio Drive which total 8.93± acres. The parcels are identified on the Town of New Windsor Tax Maps as Section 9 Block 1 Lots 45.1 and 45.2. The site contains five buildings that have been previously used for warehouse and office space. The Applicant is proposing to utilize the site and its existing buildings for lumber & building material and equipment sales, service, and storage.

The following items are enclosed:

- Site Plan sheet SP1 dated September 8, 2008, last revised 2/04/09 (10 sets); and

The Applicant requests that this item be placed on the next available agenda of the Planning Board. Please do not hesitate to contact me at 845-486-1171 if you have any questions or need anything further.

**SUPERSEDED PLAN  
FILE FOR RECORD PURPOSES ONLY**

Very truly yours,

Chris Viebrock, P.E.  
Project Manager

CV/dsh

cc: Ray Stackhouse, Ray's Transportation  
Stu Rosenwasser, Esq., Project Attorney  
File